

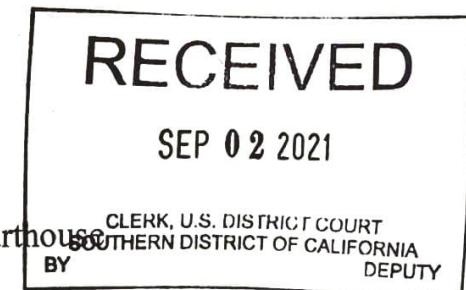
EXHIBIT A

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September 2, 2021

VIA Hand Delivery

John Morrill, Clerk of Court
United States District Court
Southern District of California
James M. Carter and Judith N. Keep United States Courthouse
Office of the Clerk of Court
333 West Broadway, Suite 420
San Diego, California 92101-3806



Re: *In re The Eclipse Group LLP v. Target Corporation et al.*
Case No. 3:15-cv-01411-JLS-BLM

Dear Mr. Morrill:

Thank you for your August 3, 2021 letter, filed in the above-referenced action as ECF No. 270. *See also* ECF No. 271 (filed August 6, 2021). Your letter “invite[s] [the parties] to respond to Judge Sammartino’s disclosure of a conflict in this case.” Specifically, you advised that “while she presided over the case a family member owned stock in Target Corporation,” which financial interest “would have required recusal under the Code of Conduct for United States Judges.” *See* 28 U.S.C. § 455(b)(4) (requiring recusal for “a financial interest . . . in a party to the proceeding”); *see also* 28 U.S.C. § 455(a) (requiring recusal whenever “impartiality might reasonably be questioned”). This response is on behalf of myself as Plaintiff (specifically, Intervenor-Plaintiff) in the action.

First, the timing of the relevant circumstances of the conflict requiring a recusal remain a bit unclear. Concerning the representation that “Judge Sammartino was not aware of this financial interest at the time the case was pending,” actually the case remains pending today. Specifically, an appeal is now